

FILED
JUN 13 2017
Clerk, U.S. District Court
Texas Eastern

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

v.

MOHAMMAD HASNAIN ALI

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No. 4:17CR 81
Judge Crane

FACTUAL BASIS

It is hereby stipulated and agreed by the defendant, **Mohammad Hasnain Ali**, that the following facts are true and correct and that he understands and agrees, with express consent of his counsel, Catherine McDonald, that this Factual Basis may be used by the Court to determine whether his plea is voluntary and knowing and by the probation officer and the Court to determine an appropriate sentence for the offenses to which he is pleading guilty:

1. **Mohammad Hasnain Ali** is the same person charged in Count One of the Information.
2. The Islamic State of Iraq and al-Sham (“ISIS”) is a designated Foreign Terrorist Organization (“FTO”) under Section 9 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist under section 1(b) of Executive Order 13224.
3. Between October and December 2014, the defendant’s sons, who initials are “A.A.” and “O.A.”, traveled from Egypt to Syria via Turkey, to fight for ISIS.
4. Prior to his sons’ departure from Egypt, the defendant communicated regularly with them regarding their whereabouts and desire to fight for ISIS. For example, on October 12, 2014, A.A. emailed O.A. and the defendant. The email contained a hyperlink to a video of an ISIL military parade in Derna, Libya. The email also discussed persons who traveled from the

United States to join ISIL.

5. On November 20, 2014, A.A. sent his mother an email that appeared to be a forward of a travel itinerary. The forwarded email appeared to be from a travel website and was dated November 17, 2014. The body of the forwarded email contained a flight itinerary for A.A. to travel on November 21, 2014, from Cairo, Egypt, to Istanbul, Turkey. As A.A. and O.A. travelled from Istanbul to the Turkish border with Syria, they communicated their progress to the defendant's wife. She, in turn, communicated that information with the defendant.

6. After his sons arrived in Syria and joined ISIS, the defendant continued to communicate with them about their whereabouts and efforts for ISIS. For example, on March 10 and March 11, 2015, A.A. communicated with the defendant. A.A. said:

Things are heating up here, and I can't guarantee me or O [meaning O.A.] will be there in 2 months. Don't tell [Sumaiya Ali] or anyone else this, I've been to the hospital everyday with brothers from my group. Close friends have died, too many injured. Me and O [meaning O.A.] r perfectly fine right now, but soon we may not be.

The defendant understood this message to mean that many of A.A.'s fellow ISIS members have been wounded or killed while fighting on behalf of ISIS, and he fears that he and O.A. will suffer the same fate.

7. On May 5, 2015, members of the Federal Bureau of Investigation ("FBI") interviewed the defendant. The investigators advised the defendant of the nature of the interview and explained that it was a crime to provide a false statement to the FBI.

8. During the interview, the defendant falsely stated that his sons were in Cairo, Egypt. The defendant stated that he was aware that ISIS is prevalent in Syria and Iraq and is the terrorist organization that governs the "Islamic State." He advised that his sons were peaceful, liked to study, and never indicated that they would be affiliated with any terrorist groups. The

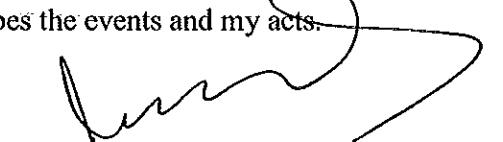
defendant said that he has never known his sons to be involved with terrorist organizations. The defendant continued to reiterate there was no way his sons were in Syria.

9. The defendant's statements regarding his sons' whereabouts and connections to ISIS were false, fictitious, and fraudulent. The statements and representations were material to the FBI's investigation of the defendant's sons, which is a matter within the jurisdiction of the executive branch of the United States government. The defendant acted willfully and knowingly.

DEFENDANT'S SIGNATURE AND ACKNOWLEDGMENT

I have read this Factual Basis and the Information or have had them read to me and have discussed them with my attorney. I fully understand the contents of this Factual Basis and agree without reservation that it accurately describes the events and my acts.

Dated: 5/11/17

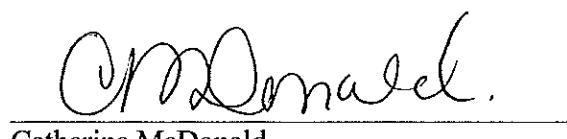


Mohammad Hasnain Ali
Defendant

DEFENSE COUNSEL'S SIGNATURE AND ACKNOWLEDGMENT

I have read this Factual Basis and the Information and have reviewed them with my client. Based upon my discussions with my client, I am satisfied that he understands the Factual Basis as well as the Information, and is knowingly and voluntarily agreeing to these stipulated facts.

Dated: 5/11/17


Catherine McDonald
Attorney for Defendant